

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
PUBLIC PATENT FOUNDATION, INC.,

Plaintiff,

- against -

McNEIL-PPC, Inc.,

Defendant.
----- X

Civil Action No. 09-CV-5471-RJH

ECF Case

**NOTICE OF MCNEIL'S MOTION
TO DISMISS PURSUANT TO FED.
R. CIV. P. 12(b)(1) AND 12(b)(6)**

PLEASE TAKE NOTICE that as soon as counsel may be heard, before the Honorable Richard J. Holwell, Judge of United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, Defendant McNeil-PPC, Inc. will move the Court for an Order granting McNeil's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1) and 12(B)(6).

This motion is based upon the Declaration of Steven A. Zalesin dated October 5, 2009, the exhibits thereto, and the memorandum of law submitted herewith, as well as all the files, records, and proceedings herein.

Dated: October 5, 2009

Respectfully submitted,

By: /s/ Steven A. Zalesin

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